

United States District Court

Eastern District of California

Larry D. Alexander,

Plaintiff, No. Civ. S 04-0823 DFL PAN P

vs. Findings and Recommendations

Stockton Police Dept., et al.,

Defendants.

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Plaintiff is a state prisoner without counsel prosecuting a civil rights action. He claims defendants violated his constitutional rights by wrongfully convicting him and seeks damages. He has not invalidated his conviction by habeas corpus or other means.

March 16, 2005, the court ordered plaintiff to show cause why this action is not barred by Heck v. Humphrey, 512 U.S. 477 (1994). Plaintiff did not respond.

Plaintiff cannot proceed under the civil rights statute for

1 reasons explained in the March 16, 2005, order.

2 Accordingly, the court hereby recommends this action be
3 dismissed.

4 Pursuant to the provisions of 28 U.S.C. § 636(b)(1), these
5 findings and recommendations are submitted to the United States
6 District Judge assigned to this case. Written objections may be
7 filed within 20 days of service of these findings and
8 recommendations. The document should be captioned "Objections to
9 Magistrate Judge's Findings and Recommendations." The district
10 judge may accept, reject, or modify these findings and
11 recommendations in whole or in part.

12 Dated: May 31, 2005.

13 /s/ Peter A. Nowinski

14 PETER A. NOWINSKI
Magistrate Judge

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